

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AISLIN MAGALENGO,

Plaintiff,

v.

**PENNSYLVANIA
INTERSCHOLASTIC ATHLETIC
ASSOCIATION, INC.,
QUAKERTOWN COMMUNITY
SCHOOL DISTRICT, and
COLONIAL SCHOOL DISTRICT,**

Defendants.

CASE NO. 2:25-cv-00325

PLAINTIFF’S NOTICE OF NO INTENT TO AMEND

NOW COMES Plaintiff, by and through counsel and respectfully file this Notice of No Intent to Amend.

1. Plaintiff initiated this lawsuit on January 20, 2025. [ECF 001].
2. On August 1, 2025, the Court issued an Order [ECF 051] dismissing Plaintiff’s Amended Complaint as follows:

- a) Plaintiff’s Amended Complaint is DISMISSED WITHOUT PREJUDICE as to her Title IX claims against PIAA and Colonial.
- b) Plaintiff’s Amended Complaint is DISMISSED WITHOUT PREJUDICE as to her Title IX claim against Quakertown, insofar as it is premised on transgender girls’ participation in

athletics.

- c) Plaintiff's Amended Complaint is DISMISSED WITH PREJUDICE as to her Title IX claim against Quakertown, insofar as it is premised on transgender girls using girls' bathrooms and locker rooms.
- d) Plaintiff's Amended Complaint is DISMISSED WITH PREJUDICE as to any requests for punitive damages under Title IX.
- e) Plaintiff's Amended Complaint is DISMISSED WITH PREJUDICE as to her claims brought against all Defendants under 42 U.S.C. § 1983.

3. Plaintiff files this notice to inform the Court of the decision not to amend the complaint. *Weber v. McGrogan*, 939 F.3d 232 (2019),

4. This notice serves as a formal declaration of Plaintiff's intent to stand on the original complaint, thereby allowing the Court to proceed with issuing a final order dismissing the case

5. "Generally, an order which dismisses a complaint without prejudice is neither final nor appealable because the deficiency may be corrected by the plaintiff without affecting the cause of action." *Borelli v. City of Reading*, 532 F.2d 950, 951 (3d Cir. 1976).

6. The order will be final and appealable, however, if the plaintiff "declares his intention to stand on his complaint." *Id.* at 951-52; *Jones v Ahmed*, 774 F App'x 55, 56 n 1 (CA 3, 2019).

7. Plaintiff does not intend to file an amended complaint as is permitted under Rule 15. Fed. R. Civ. P. 15.

WHEREFORE, Plaintiff respectfully requests that the Court proceed with issuing a final order based on Plaintiff's decision to stand on the operative complaint.

Dated: September 5, 2025

Respectfully submitted,

/s/ Keith Altman

Keith Altman, Esq.

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered parties to this action.

/s/ Keith Altman